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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,590	08/26/2003	Katsuyuki Inage	O3020.0351/P351	2406
24998	7590	04/06/2005	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			GRAY, DAVID M	
2101 L Street, NW			ART UNIT	
Washington, DC 20037			PAPER NUMBER	
			2851	

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/647,590

**Applicant(s)**

INAGE ET AL.

**Examiner**

David M. Gray

**Art Unit**

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 9-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Election/Restrictions***

Applicant's election without traverse of the species of [0056]-[0074] in the reply filed on 01-18-2005 is acknowledged.

Claims 9-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 01-18-2005.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kroos et al.

Regarding claim 1, Kroos et al. disclose a “photographic print system, comprising: a photographic apparatus [70] for capturing a photographic image, in a linear direction, of a subject present within a photographic space; an image output apparatus [86] for outputting said photographic image to a print sheet; and an illumination apparatus [26, 34, 42, 52 and/or 54], wherein said illumination apparatus provides a direction of illuminating light within the photographic space that is offset from the linear direction.”

Regarding claim 2, Kroos et al. disclose “a reflection apparatus [28, 36, 46 and/or 64] that is positioned laterally from the linear direction, wherein said reflection apparatus reflects the illuminating light provided from the illumination apparatus.”

Regarding claim 3, Kroos et al. disclose “the reflection apparatus is comprised of a material having a small light reflection coefficient [at least 28].”

Regarding claim 4, Kroos et al. disclose “a secondary illumination apparatus that is positioned to offset shading produced by the illumination apparatus on the subject [at least 26].”

Regarding claim 5, Kroos et al. disclose a “photographic print system, comprising: photographic apparatus [70] for capturing a photographic image, in a linear direction, of a subject present within a photographic space; image output apparatus [86] for outputting said photographic image to a print sheet; and operation apparatus [60, col 5, lns 44-57] for activating said photographic apparatus, said operation apparatus being positioned within the photographic space.”

Claims 6-8 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Huebner.

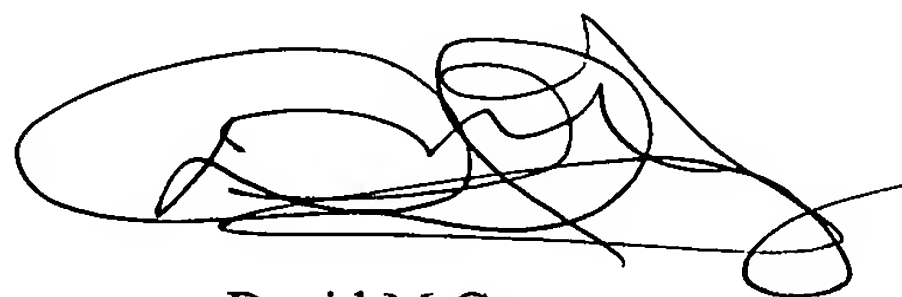
Regarding claim 6, Huebner discloses a “photographic print system, comprising: photographic apparatus [90] for capturing a photographic image of a subject present within a photographic space; image output apparatus [520] for outputting said photographic image to a print sheet; and moving apparatus [532, 534 col 2, lns 19-30, 37-40 and figure 6] for physically moving said photographic apparatus in a direction towards the subject.”

Regarding claims 7 and 8, Huebner discloses “a movement detection apparatus [col 6, ln 64 - col 7, ln 2] for detecting the physical movement [travel] of the photographic apparatus.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M. Gray whose telephone number is 571-272-2119. The examiner can normally be reached on M-T 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'David M. Gray', with a large, loopy flourish extending from the end.

David M Gray  
Primary Examiner  
Art Unit 2851